

Preliminary ruling in civil proceedings

Abstract

This thesis presents preliminary ruling as one of the secure institutions of the Czech civil procedural law, which become in case if there is a need of the settlement of legal relations on a temporary basis or ensure realization of an execution of judgement. This secure institution is temporary, which sorts out rights and obligations of the parties of the action until decision on merits. Thesis is divided into four chapters.

In the first chapter author is dealing with concept of preliminary ruling, as well as types and purpose of preliminary ruling. In this chapter author pursue historical development of preliminary ruling before 1st of January 2014 and also after this date, when significant amendment was approved, which divided legislation of preliminary ruling.

Second chapter is concentrated on preliminary ruling in Czech civil procedural law. This chapter author consider as crucial, because its include general preliminary ruling. This general legislation of preliminary ruling is also used on special preliminary ruling, when Special court proceedings act contains subsidiarity of civil procedure code. This chapter also includes court proceedings while deciding about preliminary ruling, jurisdiction of the court, duty obligation, assurance, contents of the preliminary ruling and its end.

Third and Fourth chapter constitutes special preliminary ruling regulated in Special count proceedings act, which this modification have been displaced from Civil procedure code, which became effective on January the first 2014. Special preliminary ruling are preliminary ruling that is used in a case of domestic violence and subsequently if a minor child is without ordinary care or in serious danger to life. Author in the last two chapters analyze method of initiating proceedings, essentials of the motion, the parties of the proceedings, judgment, appeal proceedings and in case of preliminary ruling of domestic violence, possibility of extension.

Klíčová slova: Preliminary ruling

Interim settlement

Rapidity